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CITY OF TOLEDO OHIO

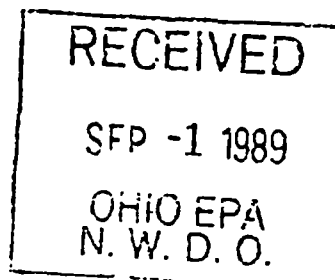
ONE GOVERNMENT CENTER
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TOLEDO, OHIO 43604

PHILIP A. HAWKEY
CITY MANAGER

(419) 245-1010



August 16, 1989



Mr. Edwin J. Hammett
District Chief
Ohio EPA
Northwest District Office
1035 Devlac Grove
Bowling Green, Ohio 43402

Re: Environmental Concerns - City of Toledo

Dear Mr. Hammett:

Please be advised that your letter dated May 31, 1989, which was addressed to Thomas R. Hoover, Director of the Department of Public Service, and received by the City of Toledo on June 8, 1989, has been brought to my attention by Mr. Hoover. Your letter asks about many areas of environmental concern within the City of Toledo. Not all of these particular sites are under the jurisdiction of Mr. Hoover's department. It was, therefore, necessary for discussions to take place between the City's Departments of Public Service, Public Utilities, Natural Resources, and Law in order to fully address these particular sites. I would like to make three observations before addressing the issues raised in your letter.

First, I know that you are aware that, in addition to Dura, the City of Toledo has taken the lead in the Front Street-Phase II and the Millard Avenue investigations. Further, the City negotiated the prompt removal of two coke oven gas lines which other governmental authorities apparently felt had been removed years before. These gaslines were located in Phase I of the Front Street Project. We do not know of any other Ohio city that has been more deeply and positively involved in hazardous substance cleanup activity.

Second, it is vital to distinguish between unilateral Remedial Investigation/Feasibility Studies ("RI/FS") or other studies and multi-party studies. In pursuing further enforcement activities at Dura and other sites, we hope the Ohio EPA will join with the City in including all reasonably ascertainable

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PRPs on any order so that an equitable settlement can be reached. The taxpayers of the City of Toledo cannot bear the full risk of unilateral studies at every site.

Third, while the City of Toledo has developed an ad hoc environmental infrastructure to help meet the problems that have arisen following Dura, the resources of the City do have a limit and we need to explore methods of shared funding and resource development if we are going to take the lead in numerous other projects.

It is in this context that we wish to address the items mentioned in your letter:

Dura

As you know, the City of Toledo has taken a proactive role by initiating and diligently performing an RI/FS at the Dura Landfill. This effort has been conducted by an internal Task Force chaired by Mr. Hoover. We have been advised in several meetings over the last couple of years with your office and the Columbus office of the Ohio EPA that our efforts are "noteworthy", "pioneering", and a "noble effort". We feel the RI/FS has been advancing at a rapid clip, particularly in light of certain unforeseen problems and especially when compared with other RI/FS's.

Your office as well as many interested groups have been provided with the minutes of the ongoing effort, including the problems and accomplishments, of the internal Task Force. Recently, our entire set of the Dura Reports were sent to Jeff Wander of your office which include the most recent minutes confirming the schedule of the RI/FS indicating the completion dates for the health risk assessment, the remedial investigation report, and the feasibility study portions of the URS Engineering contract. The City of Toledo is prepared to continue to work with the Ohio EPA as we have done over the past couple of years with regard to remaining proactive on the eventual remediation of the Dura site.

If the Ohio EPA requires an order for the RD/RA phase at Dura, please contact John Scouten, attorney in our Law Department, to discuss convening the PRPs and the City so that negotiations can be structured. We will also need to discuss the inclusion of the named PRPs in the process and explore

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investigative assistance of the Ohio EPA in further identifying PRPs for Dura. The Ohio EPA should also consider whether it will be intervening in any action filed by the City connected with the Dura Landfill.

Stickney Avenue, Tyler Street, and Treasure Island Sites

Early in the Dura process, the Ohio EPA agreed with the City to defer further investigation of the Stickney Avenue Landfill site until the Dura cleanup was underway. The philosophy then and now is that it would be a mistake for the City of Toledo to involve itself in more than one major, unilateral RI/FS at a time. When the Dura cleanup is underway, the City will keep its commitments made to the Ohio EPA. If there is some change in the priority of studies or new information which would require an expedited schedule, please contact Mr. Scouten who will start to discuss means of accomplishing necessary action.

No formal talks have ever taken place between the Ohio EPA and the City of Toledo concerning an investigation at the Tyler and Treasure Island sites. In addition, the majority of the Tyler Street property is under the ownership of Ron Gorney (the City of Toledo owns only a small portion of the site). Treasure Island is only partially owned by the City at the present time. We would be happy to discuss a multi-party approach to the investigation of these sites and attempt to agree to a set of priorities if Stickney is no longer the highest priority.

Other Toledo Sites (W. South, Swan Creek, Consaul Street Landfills)

With regard to the above mentioned sites, it is somewhat unclear as to the specific boundaries you have used to describe these areas. I assume that the West South Avenue site is a description of the area at the west side of the Maumee River/I-75 crossing and the Consaul Street site refers to the current trailer park near the intersection of Wheeling and Consaul Streets. We are not sure of the exact location of the Swan Creek site and need a more specific description. It is also true that these sites are not currently owned by the City and the City has not discussed a specific enforcement strategy with the Ohio EPA as to any of these areas. We would be happy to work with the Ohio EPA on an approach that would bring all responsible parties into negotiations to perform necessary work.

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I hope this responds to your May 31, 1989 letter. If you have any further questions regarding any of this information, please feel free to contact my office.

Sincerely,



Philip A. Hawkey
City Manager

PAH:DDA:TRH:bmp

Attachments as stated

cc: Thomas R. Hoover, Director of Public Service
Michael J. White, Director of Public Utilities
William C. Scalzo, Director of Natural Resources
Sheldon Rosen, Director of Law
John Scouten, Senior Attorney, Law Department
Members of the Dura Task Force
Dave Strayer, OCA-CO
Jenny Tiell, Legal-CO